## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUNKE et al.

Appl. No.: 10/581,447

(U.S. Nat'l Phase of Int'l Appl.

No. PCT/EP2004/013198)

Int'l Filing Date: November 20, 2004

**Active Substance Combinations** 

Having Insectidical and **Acaricidal Properties** 

Art Unit:

To be assigned

Examiner:

To be assigned

Atty. Docket: 2400.0450000/VLC/BLS

## Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Mail Stop PCT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1 to FP39 and NPL1 to NPL13 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent cited on the attached Form PTO/SB/08A, document US1, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, FP1 to FP2, FP5 to FP11, and FP13 to FP37, cited on Form PTO/SB/08A:

Document FP1, DT 26 41 343 A1, is in the German language. An English language abstract of document FP1 is cited as document NPL1 and submitted herewith.

Document FP2, EP 210 487 A1, is in the German language. An English language abstract of document FP2 is cited as document NPL2 and submitted herewith.

Document FP5, EP 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document NPL3 and submitted herewith.

Document FP6, EP 0 377 893 A1, is in the German language. An English language abstract of document FP6 is cited as document NPL4 and submitted herewith.

Document FP7, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document NPL5 and submitted herewith.

Document FP8, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document NPL6 and submitted herewith.

Document FP9, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document NPL7 and submitted herewith.

Document FP10, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document NPL8 and submitted herewith.

Document FP11, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document NPL9 and submitted herewith.

Document FP13, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the patent.

Document FP14, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document NPL10 and submitted herewith.

Document FP15, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document NPL11 and submitted herewith.

Document FP16, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document NPL12 and submitted herewith.

Document FP17, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the patent.

Document FP18, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the patent.

Document FP19, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document NPL13 and submitted herewith.

Document FP20, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the patent.

Document FP21, WO 96/25395 A1, is in the German language. An English language abstract of document FP21 can be found on the face page of the patent.

Document FP22, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the patent.

Document FP23, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the patent.

Document FP24, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the patent.

Document FP25, WO 97/36868 A2, is in the German language. An English language abstract of document FP25 can be found on the face page of the patent.

Document FP26, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the patent.

Document FP27, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the patent.

Document FP28, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the patent.

Document FP29, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the patent.

Document FP30, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the patent.

Document FP31, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the patent.

Document FP32, WO 99/43649 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the patent.

Document FP33, WO 99/48869 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the patent.

Document FP34, WO 99/55673 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the patent.

Document FP35, WO 01/23354 A2, is in the German language. An English language abstract of document FP35 can be found on the face page of the patent.

Document FP36, WO 01/74770 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the patent.

Document FP37, WO 02/087334 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

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dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

Date: FEBRUARY 1, 2007

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Substitute f	or form	1449/PT0	)	Complete if Known		
INFOR	MAT	ION F	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
			APPLICANT	Filing Date	June 1, 2006	
			ets as necessary)	First Named Inventor	FUNKE, Christian	
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Sheet	1	of	5	Attorney Docket Number	2400.0450000/VLC/BLS	

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Examiner Initials	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
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		Country Code' Number Kind Code' (if known)			T <sub>e</sub>
	FPI	DT 26 41 343 A1	04/07/1977	E.I. du Pont de Nemours and Company	Abs
-	FP2	EP 0 210 487 A1	02/04/1987	Ciba-Geigy AG	Abs
	FP3	EP 0 234 045 A2	09/02/1987	Nihon Nohyaku Co., Ltd.	
	FP4	EP 0 347 488 A1	12/27/1989	American Cyanamid Company	
	FP5	EP 0 355 599 A1	02/28/1990	Bayer AG	Abs
	FP6	EP 0 377 893 A2	07/18/1990	Bayer AG	Abs
	FP7	EP 0 415 211 A2	03/06/1991	Bayer AG	Abs
	FP8	EP 0 442 073 A2	08/21/1991	Bayer AG	Abs
	FP9	EP 0 442 077 A2	08/21/1991	Bayer AG	Abs

Examiner	(Sriram Kaeturi)	Date	09/26/2008
Signature	/Sriram Kasturi/	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to be useful to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				Complete if Known		
INFOR	МАТ	ION I	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
			APPLICANT	Filing Date	June 1, 2006	
			ets as necessary)	First Named Inventor	FUNKE, Christian	
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				Examiner Name	To be assigned	
Sheet	2	of	5	Attorney Docket Number	2400.0450000/VLC/BLS	

Document Number  Number-Kind Code <sup>2 (If Known)</sup>	U.S. PATENT DOC Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup>	Publication Date	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>			
mittais	140.	Kind Code <sup>5</sup> (if known)						
	FP10	EP 0 456 063 A2	11/13/1991	Bayer AG	Abs			
	FP11	EP 0 521 334 A1	01/07/1993	Bayer AG	Abs			
	1	WO 93/10083 A1	05/27/1993	Uniroyal Chemical Company, Inc.; Uniroyal				
	FP12			Chemical Ltd./Uniroyal Chemical Ltee				
	FP13	WO 93/22297 A1	11/11/1993	Yashima Chemical Industrial Co., Ltd.	Abs			
	FP14	EP 0 596 298 A2	05/11/1994	Bayer AG	Abs			
<u> </u>	FP15	EP 0 613 884 A2	09/07/1994	Bayer AG	Abs			
	FP16	EP 0 613 885 A2	09/07/1994	Bayer AG	Abs			
	FP17	WO 95/01358 A1	01/12/1995	Bayer Aktiengesellschaft	Abs			
-	ED18	WO 95/20572 A1	08/03/1995	Bayer Aktiengesellschaft	Abs			

١	Examiner	/Sriram Kasturi/	Date	09/26/2008
	Signature	, Sinan i Kaban.	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

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Substitute	Substitute for form 1449/PTO			Complete	Complete if Known		
INFO	<b>ΡΜΑ</b> Τ	ION I	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)		
			APPLICANT	Filing Date	June 1, 2006		
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				Examiner Name	To be assigned		
Sheet	3	of	5	Attorney Docket Number	2400.0450000/VLC/BLS		

			U.S. PATENT DOC	CUMENTS	
Examiner Cite No. 1		Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages
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	FP19	EP 0 668 267 A1	08/23/1995	Bayer AG	Abs			
	FP20	WO 95/26954 A1	10/12/1995	Bayer Aktiengesellschaft	Abs			
	FP21	WO 96/25395 A1	12/22/1996	Bayer Aktiengesellschaft	Abs			
	FP22	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft	Abs			
	FP23	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft	Abs			
	FP24	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft	Abs			
	FP25	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs			
	FP26	WO 97/43275 A2	11/20/1997	Bayer Aktiengesellschaft	Abs			
	FP27	WO 98/05638 A2	02/12/1998	Bayer Aktiengesellschaft	Abs			

Examiner	/Sriram Kasturi/	Date Considered	09/26/2008
Signature		Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute	or form	1449/PT0	)	Complete if Known		
INFOR	МДТ	ION F	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	June 1, 2006	
				First Named Inventor	FUNKE, Christian	
				Art Unit	To be assigned	
				Examiner Name	To be assigned	
Sheet	4	of	5	Attorney Docket Number	2400.0450000/VLC/BLS	

	U.S. PATENT DOCUMENTS						
Cite	Cite No.1	Cite	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
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Initials*	No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Bocument	T <sup>6</sup>
	FP28	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft	Abs
	FP29	WO 98/25928 A1	06/18/1998	Bayer Aktiengesellschaft	Abs
	FP30	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft	Abs
	FP31	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft	Abs
	FP32	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft	Abs
	FP33	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft	Abs
	FP34	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft	Abs
	FP35	WO 01/23354 A2	04/05/2001	Bayer Aktiengesellschaft	Abs
	FP36	WO 01/74770 A1	10/11/2001	Bayer Aktiengesellschaft	Abs

Exam	iner	/Sriram Kasturi/	Date	09/26/2008
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Substitute	for form	1449/PT	0	Complete if Known		
INFOR	RMAT	I NOI	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
l e			APPLICANT	Filing Date	June 1, 2006	
			eets as necessary)	First Named Inventor	FUNKE, Christian	
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Sheet	5	of	5	Attorney Docket Number	2400.0450000/VLC/BLS	

U.S. PATENT DOCUMENTS							
	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages		
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Initials*	No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>3</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	T <sup>6</sup>
-	FP37	WO 02/087334 A1	11/07/2002	Nihon Nohyaku Co., Ltd.	Abs
	FP38	WO 03/015518 A1	02/27/2003	E.I. du Pont de Nemours and Company	
	FP39	WO 03/024222 A1	03/27/2003	E.I. du Pont de Nemours and Company	
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Substitute for	Substitute for form 1449/PTO			Complete if Known		
INFORM	ΙΔΤΙΩΝ Ι	SISC	I OSURF	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	June 1, 2006	
				First Named Inventor	FUNKE, Christian	
(Use as many sheets as necessary)				Art Unit	To be assigned	
		Examiner Name	To be assigned			
Sheet	1 1	of	2	Attorney Docket Number	2400.0450000/VLC/BLS	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL2	Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL3	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL4	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2(listed on accompanying PTO/SB/08A as document FP6)	
	NPL5	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7)	
	NPL6	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8)	
-	NPL7	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL8	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL9	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL10	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14)	

Examiner	/Crirom Kacturi/	Date	09/26/2008
Signature	/Sriram Kasturi/	Considered	

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Substitute for form 1449/PTO	Complete if Known		
INFORMATION DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
STATEMENT BY APPLICANT	Filing Date	June 1, 2006	
(Use as many sheets as necessary)	First Named Inventor	FUNKE, Christian	
(Ose as many sneed as necessary)	Art Unit	To be assigned	
	Examiner Name	To be assigned	
Sheet 2 of 2	Attorney Docket Number	2400.0450000/VLC/BLS	

Non Patent Literature Documents					
Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				
NPL11	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP15)				
NPL12	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP16)				
NPL13	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP19)				
	No.¹  NPL11  NPL12	Cite No. 1 Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published  NPL11 Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP15)  NPL12 Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP16)  Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract			

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Examiner	/Sriram Kasturi/	Date	09/23/2008
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